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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 SANDRA DE BLANC,

15 Plaintiff,

16 v.

17 ALOHA AIRPORT EXPRESS, a Foreign Limited  
18 Liability Company; does 1 THROUGH 20; ROE  
19 BUSINESS ENTITIES 1 through 20, inclusive  
20 jointly and severally,

21 Defendants.

22 Case No.: 2:18-cv-151

23 **Proposed Order re Aloha Airport Express,  
24 LLC's Motion to Strike Plaintiff's 3<sup>rd</sup> Rule  
25 26(a)(1) Disclosure [ECF No. 26]**

26 On December 21, 2018 Defendant moved to strike Plaintiff's 3<sup>rd</sup> Rule 26(a)(1) disclosure as  
27 it pertained to Dr. Patel.<sup>1</sup> Plaintiff's response<sup>2</sup> conceded all of Aloha's points, save one. Plaintiff  
28 does not 1) object to excluding Dr. Patel's July 24, 2018 and August 23, 2018 medical records; 2)  
object to barring Dr. Patel from giving opinion testimony as a non-retained expert; or 3) argue her  
designation of Dr. Patel as a non-retained expert was appropriate. Plaintiff instead only argued  
that the October 31, 2018 medical record should be admissible as evidence of ongoing medical  
treatment. Defendant's reply noted it could agree to that if that is only purpose for the record, and  
Dr. Patel is not giving opinion testimony.<sup>3</sup>

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30 <sup>1</sup> ECF No. 26.

31 <sup>2</sup> ECF No. 30.

32 <sup>3</sup> ECF No. 33.

1           Based upon this, Defendant's motion is denied in part to the extent it sought to strike the  
2 October 31, 2018 medical record. Defendant's motion is otherwise granted as described in this  
3 order.



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6 BY: /s/ Michael P. Lowry  
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13 It is so ordered.  
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A handwritten signature in black ink, appearing to read 'Ian Estrada'.

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UNITED STATES MAGISTRATE JUDGE  
DATED: January 28, 2019

## **CERTIFICATE OF SERVICE**

Pursuant to FRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on January 25, 2019, I served the **Proposed Order re Aloha Airport Express, LLC's Motion to Strike Plaintiff's 3<sup>rd</sup> Rule 26(a)(1) Disclosure [ECF No. 26]** as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Ian Estrada  
Richard Harris Law Firm  
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Las Vegas, NV 89101  
Attorneys for Sandra DeBlanc

BY: /s/ Michael P. Lowry  
An Employee of

